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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,095	10/09/2001	Jerry Chi Wang		5653

7590 10/01/2002
Jerry Chi Wang
640 Cambridge Road
Paramus, NJ 07652

EXAMINER

POPOVICS, ROBERT J

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 10/01/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973, 085

Applicant(s)

Wang

Examiner

Popovics

Group Art Unit

1724

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 9/19/02 (Election)

- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-3 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☐ Claim(s) is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☒ Claim(s) 1-3 are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

1. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Election/Restriction

2. The election/restriction requirement has been withdrawn.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claim 1, the recitations *“the sediments laden influent,” “the reservoir boundary barrier,” “the influent flow”* and *“the system pipeline”* all appear to lack clear, positive antecedent basis in the claim. Moreover, it is unclear what Applicant intends by the recitation *“other useful purposes.”* This recitation is considered vague and indefinite, since it is subject to numerous, subjective interpretations.

With respect to method claims 2 and 3, it is unclear how Applicant intends these method claims to further limit the subject matter of apparatus claim 1 from which they depend. Furthermore, it is unclear what manipulative steps Applicant regards as his invention. The absence of a *required transitional phrase* in claims 2 and 3 makes such a determination impossible. Additionally, Applicant is referred to 37 CFR § 1.75(i): **“Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation.”**

In claim 2, the recitations *“the discharge water and/or slurry,” “the influent flow,” “the sediments laden water,”* and *“the apparatus’s pipeline,”* all appear to lack clear, positive antecedent basis in the claim.

In claim 3, it is unclear what Applicant intends by the subjective recitation *“suitable,”* which has rendered the claim vague and indefinite. In claim 3, the recitation *“the intake pipe,”* appears to lack clear, positive antecedent basis in the claim. It is completely unclear what Applicant intends by the recitation *“other apparatus similarly constructed.”*

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Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Fancher

(US 914,399). See Fig. 1.

7. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Pugh

(US 3,097,491). See Fig. 1.

8. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hochwalt et al.

(US 3,184,218). See Fig. 1.

9. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Atencio

(US 4,165,467). See Fig. 1.

10. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueda

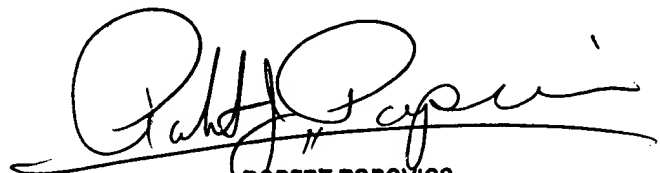
(US 4,182,123). See Fig. 1.

11. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Evstratov et al.

(US 4,998,846). See Fig. 1.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Popovics whose telephone number is (703) 308-0684.

RJP
September 26, 2002



ROBERT POPOVICS
PRIMARY EXAMINER